

## Tables

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**Table 7-1: Summary of Regulatory Review and Jurisdiction**

<b>Agency</b>	<b>Permit/Approval /Process/ Concurrence</b>	<b>Description</b>	<b>Jurisdiction</b>	<b>Status</b>
<b>FEDERAL</b>				
United States Army Corps of Engineers – New England District/ Council on Environmental Quality, NEPA	Individual Permit – Section 10	Section 10 of the Rivers and Harbors Act (33 U.S.C. 403) regulates work and structures that are located in, or that affect navigable waters of the United States. Jet plow installation of submarine cable systems are not considered an activity that is subject to Section 404 jurisdiction under the Clean Water Act.	Navigable waters of the United States	Filed 11/22/01; Pending
	• Review and consultation compliance with Section 7 of ESA of 1973	ESA review is part of the Section 10 permit review. Section 7 requires that all Federal agencies ensure that any action authorized, funded, or executed will not jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of any critical habitat of such species.	Federally threatened or endangered species.	ongoing
	• Review and consultation compliance with Section 106 of NHPA, as amended through 2000	NHPA review is part of the Section 10 permit review. Assess undertaking's effects on designated historic properties, and seek ways to avoid minimize or mitigate adverse effects, in consultation with the State Historic Preservation Officer.	Effects on designated historic properties, offshore and upland	ongoing
	• DEIS	NEPA review is part of the Section 10 permit review. The NEPA of 1969 was implemented to ensure that Federal agencies consider the environmental impacts of their actions, and protect the quality of the environment through consideration of alternatives that would serve to avoid or minimize damage to the environment.	NEPA jurisdiction applies to the entire project with USACE as lead federal agency	November 2004
	• FEIS			To be filed
	• Record of Decision			Follows FEIS
United States Environmental Protection Agency	NPDES General Stormwater Permit	Required for Discharges of Stormwater Associated with Construction Activities within construction areas that total greater than one acre.	USEPA stormwater jurisdiction applies to the upland component of the Project.	To be filed
Federal Aviation Administration	A Notice of Proposed Construction or Alteration Form	Any temporary or permanent structures, including all appurtenances, that exceed an overall height of 200 feet above ground level needs to be marked and/or lighted.	Structures exceeding 200 feet into navigable airspace	Filed September 25, 2002; Determination of No Hazard to Air Navigation Issued April 9, 2003
United States Coast Guard	Private Aid-to-Navigation to a Fixed Structure	Allows placement of privately maintained aids-to-navigation on structures.	Structures located in navigable waters of the U.S.	To be filed

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<b>STATE</b>				
Massachusetts Environmental Policy Act	Expanded ENF	MEPA is the Massachusetts state environmental impact review process that includes project alternative analysis, environmental impacts, consistency with applicable state regulations, and implementation of mitigation measures. The proposed Project is subject to MEPA review pursuant to 301 CMR 11.03 (7)(b)(4) because it involves the development of a new electric transmission line greater than one mile in length with a capacity of 69 or more kV.	Jurisdiction includes project activities on land and offshore to the state mapped 3-mile territorial sea boundary.	Filed 11/15/01; Certificate on 4/22/02; Certificate re-opened & expanded on 5/28/03
	DEIR			Filed 11/15/2004
	FEIR			To be filed
	Issuance of Certificate			Follows FEIR
Massachusetts Energy Facilities Siting Board	Approval to Construct Jurisdictional Facilities	The Energy Facilities Siting Board is charged with ensuring a reliable energy supply for the Commonwealth with a minimum impact on the environment at the lowest possible cost. The EFSB's primary function is to license the construction of major energy infrastructure in Massachusetts, including electric transmission lines.	Jurisdiction includes project activities on land and offshore to the state mapped 3-mile territorial sea boundary.	Filed 9-17-02; Tentative Decision Issued 7/2/04; Final Decision Pending
Massachusetts Department of Environmental Protection – Waterways Program	Chapter 91 Waterways License	MADEP requires written authorization to perform any construction, placement, excavation, addition, improvement, maintenance, or removal of any fill or structures in tidelands of the Commonwealth.	Jurisdiction includes tidelands within the limits of the mapped 3-mile state territorial sea boundary.	To be filed
MADEP – Wetlands Program	Superceding Order of Conditions	MADEP jurisdiction and review if an appeal is requested of the Municipal Order of Conditions	Inland and coastal wetlands out to the mapped 3-mile state territorial sea boundary.	To be filed, if required
	Water Quality Certification	MADEP requires that any activity that results in a discharge of dredged material, dredging or dredged material disposal greater than 100 cubic yards to waters subject to federal review obtain an individual WQC.		To Be Filed
Massachusetts Office of Coastal Zone Management	Concurrence on Federal Consistency Certification Statement	MCZM has the authority to review projects that require federal permits or activities in the Massachusetts coastal zone to ensure that they are consistent with applicable CZM Program Policies.	Federal Consistency Review jurisdiction extends from the inland coastal zone boundary out to the mapped state 3-mile state territorial sea boundary. It may also extend into waters of the Outer Continental Shelf for federal activities that may reasonably affect the Massachusetts Coastal Zone	Filed 11/21/01; The CZM Review is currently be coordinated
Massachusetts Ocean Sanctuaries Act Department of	Regulatory Review	The Act and its regulations do not require a specific permit from DCR, but require all departments, divisions, commissions, or units of	Jurisdiction is out to the mapped 3-mile state territorial sea boundary.	Ongoing

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Conservation and Recreation		the Executive Office Of Environmental Affairs and other affected agencies or departments of the Commonwealth to issue permits or licenses for activities or conduct their activities consistently with the Act, and to confer and consult with the DCR to ensure compliance with the Act and its regulations.		
Massachusetts Highway Department	Permit to Access State Highway and Access Agreement	The Massachusetts Highway Department has the authority to review activities that require work within limits of established rights-of-way for state roadways, highways and bridges.	Jurisdiction is on land but may extend out to the mapped 3-mile state territorial sea boundary.	To be filed
Massachusetts Historical Commission: State Archaeologist	Regulatory Review under MEPA	MHC is charged with protecting public's interest in historic and archaeological properties, by implementing procedures in 950 CMR 71.	Jurisdiction is on land and submerged lands out to the mapped 3-mile state territorial sea boundary.	Ongoing
	Upland Reconnaissance Archaeological Survey			Completed under Permit 2246 issued on 3/28/2003
	Upland Intensive Archaeological Survey			Completed under Permit 2595 issued on 9/23/2003
Massachusetts Board of Underwater Archaeology	Reconnaissance Permit; Excavation Permit	Under EOEA, MBUAR is charged with encouraging the discovery, reporting, preservation and protection of underwater archaeological resources.	Jurisdiction is inland and coastal waters out to the mapped 3-mile state territorial sea boundary.	To be filed, if required
<b>REGIONAL</b>				
Cape Cod Commission	DRI Review	The CCC is a regional land use planning and regulatory agency created by an Act of the Massachusetts General Court in 1990. The CCC reviews projects that may affect regional planning or environmental issues such as water quality, traffic flow, historic values, open space, natural resources, and economic development.	Jurisdiction is on land and tidewaters extending out to the mapped 3-mile state territorial sea boundary.	Filed 11/15/01; Pending
	Issuance of DRI			
<b>LOCAL</b>				
Yarmouth Conservation Commission	Notice of Intent	Municipal review of project effects on regulated wetland resource areas as delegated under the Massachusetts Wetland Protection Act, Rivers Protection Act and regulations and including the Yarmouth Wetlands By-laws.	Jurisdiction varies with each protected inland or coastal resource area located within and up to the mapped, three mile state territorial sea boundary.	To be filed
	Issuance of Order of Conditions			
Barnstable Conservation Commission	Notice of Intent	Municipal review of project effects on regulated wetland resource areas as delegated under the Massachusetts Wetland Protection Act, Rivers Protection Act and regulations and including the Barnstable Wetlands By-laws.	Jurisdiction varies with each protected inland or coastal resource area located within and up to the mapped, three mile state territorial sea boundary.	To be filed
	Issuance of Order of Conditions			

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Yarmouth Department of Public Works	Street Opening Permit/ location in public ways	The Department of Public Works is a municipal agency which reviews and approves access to town roadways, town easements and town ROWs, while selectmen approve location in public ways.	Jurisdiction is on land but may extend to other municipal boundaries.	To be filed
Barnstable Department of Public Works	Street Opening Permit/ location in public ways	The Department of Public Works is a municipal agency which reviews and approves access to town roadways, town easements and town ROWs, while selectmen approve location in public ways.	Jurisdiction is on land but may extend to other municipal boundaries.	To be filed